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tion, which simply repeated in substance part of similar instructions given on defendant's motion, was not subject to criticism.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 742.]

Error to Corporation Court of Roanoke.

C. E. Trent was convicted of grand larceny, and he brings error. Affirmed.

Hairston & Hopkins and *Hoge & Darnall*, all of Roanoke, for plaintiff in error.

John R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and Leon M. Bazile, Second Asst. Atty. Gen., for the Commonwealth.

DICKERSON *v.* COMMONWEALTH.

March 16, 1922.

[111 S. E. 115.]

Criminal Law (§ 720 (9)*)—Statement of Commonwealth's Attorney in Murder Case Held Unsupported by Evidence.—In a prosecution for murder, a statement of the prosecuting attorney that deceased was killed at a certain point and was carried by accused to the place where his body was found, after having put on another person's shoes, held unsupported by evidence.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 70.]

Error to Circuit Court, Halifax County.

M. B. Booker, of Halifax, for plaintiff in error.

John R. Saunders, Atty. Gen., and J. D. Hank, Jr., Asst. Atty. Gen., for the Commonwealth.

RENNOLDS *v.* AVERY.

March 16, 1922.

[111 S. E. 123.]

1. Sales (§ 180 (4)*)—Partial Acceptance Not Based on Satisfaction with Quality Does Not Imply Agreement to Accept.—Where the buyer accepts a portion of the goods delivered for a reason which is not inconsistent with a subsequent refusal to accept the balance of the goods, which were of the same quality as those accepted, because of their quality, such partial acceptance does not raise an implied acceptance of all of the goods.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 38.]

2. Sales (§ 182 (4)*)—Evidence Held to Raise Question for Jury whether Partial Acceptance Was Implied Agreement to Accept.—Testimony by the buyer's inspector that he accepted a part of the

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.